

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Cause No: 05 – 10125 RCL

Margaret Cimini,) A Petition for Summary or Default Judgement
)
Plaintiff (Respondent below),)
)
v.)
)
Mark Cimini,) State court cause no.: 97D-4115-DV1
)
Defendant (Petitioner below),)
)
and, in re: the support and welfare)
of Jonathan Cimini.) Honorable Judge

DISCUSSION

- 1) Under Common Law, Marriage is defined as a contract and parents possessed all the protection of property with respect to their children. The state could only intervene with *parens patriae* if the parent(s) is/are unfit, abandoned or abused the child, otherwise no state intervention was allowed. The Common Law and Natural Law right of reciprocals meant that the parent(s) who provided the child(ren)s necessities had a right to their companionship and company.
- 2) The Constitution is the supreme law of the land. The state may not practice unconstitutional law, violate Natural Law, or enforce ideology against the Common Law behind the veil of comity. Allowing this condition would make comity the supreme law of the land.
- 3) Presented in my initial pleadings and subsequent amendment was two propositions, namely under Common Law: 1) the father held absolute superior title to his children even in divorce and was entitled to “title to the custody” of his children, bar none or 2) alternatively that the marriage contract defined a default termination clause, which was negotiable, but by default entitled the father to superior “title to the custody” of his children. In *Troxel v. Granville*, 527 U.S. 1069 (1999), the court included the concern of parental spending on legal proceedings, noting that the money would better be spent on the child(ren). This forgotten

definition in the marriage contract saved the divorcing parent from the huge financial burden which fuels both the state and divorce industry at the expense of the children and parents.

- 4) A question for this Court is in either case, does the government have the right to unilaterally intervene and how is this intervention bounded by the Natural Law, Common Law or Constitutional principles. I contend that Statue Law is analogous to an impressionist painting where dots of paint can be changed without effecting nearby dots. I also contend that the Common Law is more like a tapestry with a strong interdependence among the threads. The Common Law thread that defined the marriage contract and the divorce condition must be looked at in the broader context, related tapestry threads, of at least: unmarried rights to children, property rights, rights of reciprocals, natural rights that become civil rights when enforced by the body politic, punishment of the guilty and protection of the innocent, contract law, and the issue of how legalized abortion effects these rights (e.g., reproductive verses recreational copulation based on gender).
- 5) Three questions for this Court is:
 - where does the state derive its right to abolish the Common Law with all the rights privileges and immunities,
 - Is the Common Law a natural right and hence a civil right, and
 - If the Constitution is a limit of powers not a grant of powers, by what right does the state force new ideologies/religions on the citizens, ignoring the popular opinions of the citizens?
- 6) All marriage and family law was originally defined under Common Law. Currently, family law is devoid of any Common Law rights, privileges, and immunities and only exists under statutory law according to the findings of Judge Donnelly (in a decision in the state court file) as upheld by a Massachusetts Supreme Judicial Court justice. These new statutory laws enforce a vocal minorities ideology/religious beliefs of the subjects (a recent state referendum vote on shared parenting was reference in the initial pleadings), not citizens, of the Commonwealth. The Constitutional rights, natural rights, or civil rights, of parents are now subject to the state's changing political whims, without any supporting foundational or organic law.
- 7) These changes in Family Law began solely based on judicial discretion where none had ever existed under Common Law. A clear violation of the Marbury v. Madison, 1 Cranch 137,

163 (1803) concept where the judiciary is just supposed to say what the law is. Instead the 175 years of changes in Family Law has become under the sole purview of the state judiciary, ignoring fundamental rights and Constitutional principles; furthermore, the state judiciary has entered into conversion for its enrichment under color of law, color of authority.

- 8) The purpose of law is to secure rights, punish wrongdoing, and protect the innocent not subjugate sovereign individuals to the non-foundational state imposed ideology or religion. Under the current "Best Interest" ideology, multiple Constitutional principles are violated, breaking contracts is rewarded based on gender, state statutes are written to punish a specific gender, natural rights abolished and civil rights redefined, Common Law suspended, fraud and malfeasance rewarded, the innocent are punished, the courts are subject to fraud, and the courts and the state reap a federally funded financial reward.
- 9) Substantive rights are violated based on laws which are written with explicit gender bias (as noted in the original pleading).
- 10) Procedural rights are violated when parents, mostly fathers, are removed from their children's lives when there is no unfitness or wrongdoing. Instead a state ideology replaces Common Law rights, privileges, and immunities.
- 11) This Court must consider if it is allowable under Natural Law, Common Law or the Constitution to create an artificial class, i.e., non-custodial parent, absent wrongdoing by that citizen, i.e., parent, and subsequently punish them based on the artificial state imposed ideology/religion.
- 12) Whereas the Iran-Contra Scandal brought to light the federal executive branch creating an independent revenue stream without legislative oversight (i.e., appropriate laws to authorize spending), currently in Massachusetts, the judicial branch has created a similar independent, non-legislatively sanctioned, independent revenue stream based on fraud and treason that is contrary to foundational natural laws, civil rights, and Constitutional principles. This revenue stream, since the judiciary controls the entire child support process, is contrary to the federal guaranteed right to a fair and impartial judicial hearing. Please note I have received, through the Freedom of Information Act, a copy of all Interdepartmental Service Agreements between the Massachusetts Department of Revenue's Child Support Enforcement Division and the Probate and Family Court for fiscal years 2001 through 2005. The cover letter for these agreements is provided in the attachment.

- 13) A question for this Court is how does the federal incentive monies affect the judgement, policy, laws of the state, and judicial decisions and hence the rights of the citizens?
- 14) Substituting a vocal minority's will for Natural Law, Common Law, and Constitutional rights creates stress against the very nature of man and hence on society. Punishment of the innocent is against natural laws/rights and forces citizens to accept ideologies/religions that effectively makes them subjects. These stresses will increasingly require force to implement and maintain. A recipe for a totalitarian krytocracy or theocracy or oligarchy, in contrast to a government that is a creature of its Constitution, i.e., our Constitutional Republic.
- 15) The fiction of child support is really alimony without the tax liability and has no foundation under Common Law. Children have no claim on the awarded child support and there are no provisions for accountability on the funds being spent on the child(ren). Child Support is just Orwellian Newspeak for Alimony. Hence, given the tax implications, awarding child support is harsher punishment than alimony. Under Common Law, alimony was only available to the innocent party; otherwise, the parent with "title to the custody" had the responsibility to support the child; i.e., under the right of reciprocals.
- 16) Under Common Law rights or privileges may be impinged upon as a result of wrongdoing. Under the "Best Interest" ideology men, who have not violated the marriage contract or committed any wrongdoing, are routinely stripped of rights and privileges for the enrichment of the courts themselves, acting under color of law and/or color of authority. The resultant financial damage inflicted and loss of rights and privileges affects men's ability to secure the Constitutional right of happiness and places limits on his liberty. These limits greatly impact the ability to engage in future relationships, enjoy "second families", and affects the decision to have subsequent children. All of which are natural rights which should not be affected unless there is some wrongdoing.
- 17) The Court should note that the Plaintiff has received the motions and has failed to respond to them. This is due to either:
 - A lack of respect for this Court,
 - A perceived privilege, based on proceedings in and the history of state court, that she is a first class citizen and does not have to answer the motions since the court normally acts as her advocate because of the Federal funds at stake, or
 - Agreement with the pleadings.

NOTICE TO PARTIES

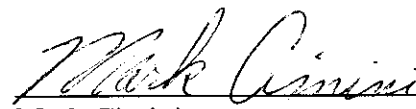
- 11) Defendant now and hereby provide his formal Notice of the above to all interested parties, of record.

SUMMARY AND PRAYER

- 12) That this Court find that the "Best Interest" ideology is contrary to Common Law, against Natural Law, violates multiple Federal and State Constitutional provisions and is without foundation or organic underpinnings of law.
- 13) That this Court find the Plaintiff guilty of the allegations of fraud, misrepresentation, trespass, malefaction, and unclean hands.
- 14) That this court consider stopping or impounding all federal incentive monies to the state, which are at the heart of these unlawful acts.
- 15) That this Court affirm that the Common Law is still the valid framework for all family law in the Commonwealth.
- 16) For such other relief as to said Court may seem just and fair.

WHEREFORE, the undersigned Defendant, Mark Cimini, now pray for acceptance of this motion into the record, and under, the jurisdiction of this United States District Court, with all speed, and for all other relief deemed just and proper in the premises.


Respectfully submitted,


Mark Cimini

VERIFICATION

I hereby declare, verify, certify and state, pursuant to the penalties of perjury under the laws of the United States, and by the provisions of 28 USC § 1746, that all of the above and foregoing representations are true and correct to the best of my knowledge, information, and belief.

Executed at Westford, MA, this 22 day of April, 2005.


Mark Cimini

CERTIFICATE OF SERVICE

I hereby certify that, on this 22 day of April, 2005, a true and complete copy of the foregoing petition for contempt, by depositing the same in the United States mail, postage prepaid, has been duly served upon all parties of record in the lower state proceedings, to-wit:

Margaret Cimini
5 Sand Beach Road
Westford, MA 01886

and, that the same is being also filed this same date within the lower state trial court proceedings.


Mark Cimini

Mark Cimini
12 Maple Road
Westford, MA 01886
(978) 692-4556
m.cimini@att.net



Alan LeBovidge
Commissioner

Marilyn Ray Smith
Deputy Commissioner

The Commonwealth of Massachusetts
Department of Revenue
Child Support Enforcement Division
P.O. Box 9561
Boston, MA 02114-9561

April 1, 2005

Mr. Mark Cimini
12 Maple Road
Westford, MA 01886

Dear Mr. Cimini:

We received your check for copies of the Interdepartmental Service Agreements between the Massachusetts Department of Revenue's Child Support Enforcement Division (CSE) and the Probate and Family Court for state fiscal years 2001, 2002, 2003, 2004, and 2005. Enclosed please find copies of these agreements.

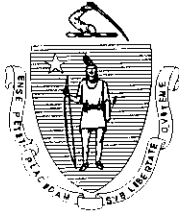
Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Marilynn Sager / CJZ".

Marilynn Sager
Senior Counsel and Disclosure Officer

Encls.



Alan LeBovidge
Commissioner

Marilyn Ray Smith
Deputy Commissioner

The Commonwealth of Massachusetts
Department of Revenue
Child Support Enforcement Division
P.O. Box 9561
Boston, MA 02114-9561

March 15, 2005

Mr. Mark Cimini
12 Maple Road
Westford, MA 01886

Dear Mr. Cimini:

I am writing to give you an estimate of the cost of copying the records that you requested in your letter of January 21, 2005 to Commissioner Alan LeBovidge. You requested copies of the Interdepartmental Service Agreements between the Massachusetts Department of Revenue's Child Support Enforcement Division (CSE) and the Probate and Family Court that were signed on or about July 13, 2000 through the present.

We have reviewed our records and have Interdepartmental Service Agreements between CSE and the Probate and Family Court for five years, including those for state fiscal years 2001, 2002, 2003, 2004, and 2005. Each agreement is approximately 79 pages, including all attachments, for an approximate total of 395 pages. In accordance with 950 CMR 32.06, which regulates the fees for copies of public records, CSE charges \$0.20 per page. The total cost therefore would be 395 times \$0.20, or \$79.00.

If you would like copies of the documents that you requested, please send to my attention at the address above a check made payable to the Commonwealth of Massachusetts for \$79.00. We will not process your request until we receive pre-payment of the costs.

Sincerely,

Marilynn Sager/CJZ

Marilynn Sager
Senior Counsel and Disclosure Officer